




CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Date: June 27, 2011

To: Mike Ruffin, County Manager

Through: Michael Palmer, Deputy County Manager

From: Steven L. Medlin, AICP, City-County Planning Director 

Subject: Unified Development Ordinance (UDO) Text Amendment – Commercial Infill District (TC1000006)

Summary. The proposed text amendment would create a new commercial zoning district, Commercial Infill, to be applied in the Urban and Compact Neighborhood Tiers only. Provisions of the new Commercial Infill District include new standards for lot requirements, building placement, parking, and landscaping and buffering. The text amendment includes changes that support a related zoning map change proposed in case Z1000011. The proposed text amendment also includes changes that clarify existing district intensity standards and existing landscaping and buffering standards in the City and County of Durham. The proposed text is shown in Attachments A and B. The City Council considered this item on June 20, 2011, and staff will report on their deliberations and decision.

Recommendations. The Planning Department recommends approval. The Planning Commission held a public hearing on this proposed text amendment on February 8, 2011 and recommended approval by a vote of 11-0.

Background. Representatives of the West Chapel Hill Street commercial area and surrounding neighborhood brought the challenges of redevelopment of this corridor to the attention of Planning Department staff in late 2009. Of particular concern were provisions in the Unified Development Ordinance (UDO), such as suburban standards for parking, buffering, lot size, and setbacks, which make it difficult to utilize the existing structures and parcels.

Staff evaluated the West Chapel Hill Street area, as well as other small commercial centers in the Urban Tier. Staff also examined several zoning strategies that would facilitate new businesses and/or buildings, but would preserve the mercantile look and feel of these traditionally commercial areas within the Urban and the Compact Neighborhood Tiers. The conclusion of the analysis was that a new commercial district was needed to address the unique siting and scale of these commercial areas. Since this project originated with the West Chapel Hill Street commercial area, it was chosen for the initial application of this commercial district.

In May 2010 staff presented residents and interested citizens with a general proposal to address the identified concerns. The response was supportive, and since that time, staff has been working on a draft text amendment. In October and November 2010 staff presented residents and interested citizens with a summary of the proposed text changes and gathered input regarding boundaries for the first application of the new district. The input collected was utilized in developing the proposed boundaries for the related zoning map change.

The following issues have been identified by area stakeholders and staff, and are addressed through this text amendment:

- Flexible parking requirements (addressed in article 10, Off Street Parking and Loading);
- Compact plantings in buffer and landscape requirements (addressed in Article 9, Landscaping and Buffering); and
- Site and building placement to reflect the existing landscape (addressed in Article 6, District Intent Standards).

Additional changes to Article 6, District Intensity Standards, are included to clarify the ordinance requirements that are currently presented through table footnotes. These changes are not intended to modify any current requirements, but rather to make them more apparent to the reader and avoid applicant confusion that development review staff has noticed. Likewise, changes to the project boundary buffer table in Article 9, Landscaping and Buffering, are included to clarify the required buffer intensities for each commercial district, rather than grouping these districts within the table columns and rows.

On February 8, 2011, the Planning Commission held a public hearing on this item and voted unanimously (11-0) to recommend approval.

Issues. Staff has proposed a new commercial district in response to the needs identified by the representatives of the West Chapel Hill Street commercial area. This Commercial Infill (CI) district was recommended to be initially applied in the West Chapel Hill Street commercial area, via zoning map change Z1000011, with the possibility of future application elsewhere in the Urban and Compact Neighborhood Tiers, such as the Club and Broad Streets area or the Angier Avenue and Driver Street area. The Commercial Infill District serves as a small commercial node for urban neighborhoods with close proximity to Downtown Durham or the Compact Neighborhood Tiers. Other areas where this district could be applied would be compactly developed commercial areas with an emphasis on the pedestrian experience and connectivity with the surrounding residential uses.

The Durham City-County Planning Commission held a public hearing on this item at its February 8, 2011 meeting. At the public hearing, the Commission recommended approval, 11-0, of the text amendment to create the Commercial Infill District with the

recommendations to increase the minimum height of walls used in lieu of buffers to eight feet, to increase the rear yard minimum to 10 feet, and to re-examine increasing the opacity of the required landscape buffer to the level used in Commercial Neighborhood District (CN) against a residential district.

Staff incorporated the first two requested changes into the draft text change and re-examined the issue of buffers. Since one of the three initial goals of this project was to reduce buffers in this limited application, and the public input has been overwhelmingly supportive of that goal, staff does not recommend altering that element of the proposed text amendment.

Alternatives. The Durham County Board of Commissioners may approve the amendment, deny the amendment, or direct modifications of its language.

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Attachments

- Attachment A, An Ordinance to Amend Provisions of the Unified Development Ordinance Regulating Commercial Zoning, Mark-Up Copy
- Attachment B, An Ordinance to Amend Provisions of the Unified Development Ordinance Regulating Commercial Zoning, Clean Copy
- Attachment C, Planning Commission Written Comments Following Hearing on February 8, 2011